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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/705,656

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Mark John McGrath

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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/705,656

Applicant(s)

MCGRATH ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE 11/1/06 & Amendment 8/23/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,25,26 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 25 is/are allowed.
- 6) ☒ Claim(s) 5, 26 and 30-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

**Response to Arguments**

1. Applicant's arguments with respect to claims 26, 30, 31, 32, 33, 34, 35 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 101**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 32 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 32 and 35 are deemed non-statutory in view of being directed to a computer program, which is not recited on a medium.

The examiner suggests with respect to claim 32 to amend the recited, "A computer program", to such as,

"A computer readable medium with a program", thereby the computer program is recited on a computer readable medium.

**Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 being almost the same as previous claim 4, which both depend from claim 1, claim 5 with respect to claim 1 which includes limitation from claim 4, various limitations such as first metadata, second metadata, a portable processor fail to

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have antecedent bases with respect to claim 5 for being first recited in claim 1.

The examiner suggests, to either cancel claim 5 or remove, the redundant limitation of claim 5, in claim 1, which originated from cancelled claim 4, into claim 1.

#### ***Claim Objections***

4. Claim 30 is objected to because of the following informalities:

There is a lack of antecedent basis for claim 30, in view of limitation

"generating in response to use commands second metadata", which was already recited in claim 26.

Appropriate correction is required.

#### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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2. Claims 26, 30, 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sezan et al. (US 5,956,458) and Dimitrova et al. (US 5,870,754) and further in view of Paff (US 5,526,133).

Regarding claim 26, Sezan discloses and meets the limitations associated with a method and associated apparatus for generating audio and/or video material representing of an audio and/or visual source, the method comprising:

- generating audio and/or video signals representing an audio and/or visual source (col. 2, lines 37-, "audio ... video"),
- recording the audio and/or video signals to a record medium (col. 2, Fig. 1, camcorder 12);
- generating second meta data manually based on user commands (second Meta Data, "marking module", cols. 2-5).

Regarding claim 26, Sezan fails to disclose generating metadata automatically and wherein the meta data includes a UNIQUE ID CODE for each of the parts of the material, which uniquely identifies the material being audio and video.

Dimitrova teaches a means to automatically locating clips and reads on the generation of meta data, each deemed to be unique, generated automatically by using, a signature the system will identify (uniquely), clips, wherein the signature of the query video clip is compared with signatures stored in the meta database, with video clips having signatures similar to the signatures of the query video clip identified, wherein the identified clips and associated meta data, identifies the materials or video clips, are done by the system automatically thereby allowing for retrieval and displaying by selection of a user (abstract), thereby creating retrievable selectable data with meta data, as taught by Dimitrova.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Sezan by providing a means to automatically generate meta data by, as taught by Dimitrova to identify clips automatically, wherein the identification information is META data, for a user to

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allow for retrieval and displaying of the automatically generated data, being video clips.

Therefore is automatically generated meat data being referred to as FIRST META DATA.

The combination as applied fails to disclose generating an ID for the record media, which is communicated separately (not at the same time or the same means).

Paff teaches col. 3, lines 39-, "Prior to recording ... generates a tape TID ... TID can also be input by an operator ... VCR receives the TID and records it at the start of the tape and ... regular intervals, to identify tapes, as taught by Paff.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by providing the recording media with Tape Identification to identify recorded tapes with the TIDs, as taught by Paff.

Regarding claim 30 based on the combination Sezan the user can generate META data manual operation (see Sezan), as applied and further renders obvious wherein the first and second meta data, second manually generated and first automatically, are generated separately and therefore, communicated separately also, from the recording media (tape itself), can be recorded to the MIC of Sezan or a MIC memory.

Claims 32-35 are analyzed and discussed with respect to the claims above, but, fails to address wherein a computer with executable instructions performing the method as recited.

The examiner takes official notice that the implementation in software is obvious to those skilled in the art to implement the method with a program to facilitate the process with associated hardware {VCR} and CPU processor control, as is obvious if not met by the combination, as would have been obvious to those skilled in the art.

3. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 5,956,458), Dimitrova et al. (US 5,870,754) and Paff (US 5,526,133) and further in view of Wilkinson (7/1999, Linking essence & Metadata in a System Environment).

Regarding claim 31, the combination fails to particularly meet the limitation of wherein the meta data corresponds to UMID,

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being a standard, universal material identifier standard, read in light of the specification.

Wilkinson teaches the utilization of UMID, Unique Material identifier {was coined}, assigning unique identifiers for clips, a label to identify an object, associated with MPEG 2 GOPs, page 1, wherein, "the word material as used in the acronym UMID is used to encompass Content and anything similar which may need a label", standard UMID and extended UMID, identifiers, material identifiers, as taught by Wilkinson.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by incorporating the utilization of the UMID standard for marking materials of any kind such as clips or parts of audio and/or video materials, as suggested by Wilkinson, to uniquely identify sections of material, using the established standard, associated with the EBU/SMPTE Task Force which highlighted the requirement for the unique identifiers, thereby identifying, desired materials of source material or content with a standardized methodology, as taught by Wilkinson.

**Allowable Subject Matter**

5. Claims 1, 25 are allowed.

**Contact Fax Information**


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
12/11/06

  
VINCENT BOCCIO  
PRIMARY EXAMINER